

FRIDAY, December 2, 1853.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday read and adopted.

Mr. Sublett presented the petition of Horatio Grooms, asking for relief; referred to the committee on Public Debt.

Mr. Kyle presented the petition of Henry Able and others, praying for land; referred to the committee on Private Land Claims.

Mr. Martin presented the petition of sundry citizens of Henderson and Van Zandt counties, praying for a change of the boundary line between said counties; referred to the committee on Counties and County Boundaries.

Mr. Allen, from the committee on Public Lands, to whom was referred a bill for the relief of Larkin Adamson, reported the same back to the Senate and recommended its passage.

Mr. Jowers, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands have had under consideration a bill to amend an act to regulate proceedings in the district courts, and believing that this, or some analagous provision is required by the necessities of the country, and that the provisions of this bill would but secure to parties the same equitable rights of action or defence which they now have in other subject matters of litigation; a majority of them have therefore instructed me to report the same back to the Senate and recommend its passage.

Mr. Scott, chairman of the committee on Finance, to whom was referred a bill to fix and establish the per diem and mileage pay of members of the Legislature, reported back to the Senate a substitute therefor, and recommended its adoption and the passage of the bill.

Mr. Wren, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred a bill for the relief of Joab B. Harrell, Sheriff of Williamson county, have considered the same, and find said Harrell advanced his own money for two additional guards to convey a convict to the State Penitentiary, which additional guards were deemed necessary by the judge trying the case. The committee think said relief should be granted, if it does not conflict with the seventh section, seventh article of the General Provisions of the State Constitution, which reads as follows: "The Legislature

shall provide by law for the compensation of all officers, servants, agents, or public contractors, not provided for by this Constitution, and shall grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into otherwise, any amount of money out of the treasury of the State to any individual on a claim real, or pretended, where the same shall not be provided for by pre-existing law." The committee refer the Senate to the law on this subject; see Hartley's Digest, page 809, article 2,672; which gives the Superintendent of the Penitentiary the power to allow pay for extra guards where he may deem it expedient. The committee is informed that the Superintendent refuses to allow extra pay in all cases regardless of any proof on the subject; all of which is respectfully submitted for the consideration of the Senate.

Mr. Scott, chairman of the select committee, to whom was referred a bill to prevent vice and immorality on the Sabbath, reported back to the Senate a substitute therefor, and recommended its adoption.

Mr. Guinn, chairman of the select committee, to whom was referred a bill to reduce into one act, and to amend the several acts granting to actual settlers on vacant public domain pre-emption privileges, reported back to the Senate a substitute therefor, and recommended its favorable consideration.

Mr. Potter, chairman of the committee on the Judiciary, made the following report:

The Judiciary committee have considered a bill to amend an act regulating proceedings in the district courts, and a majority of them have directed me to report that they deem it inexpedient and unwise to give to parties the right proposed by the bill, and have directed me to return the same back to the Senate, and recommend that it be rejected.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill supplementary to an act to establish the New Orleans, Algiers and Opelousas Railway Company, for the extension of the New Orleans, Algiers and Opelousas Railroad through Texas, approved February 1st, 1852; reported the same back to the Senate and recommended its passage.

Mr. Martin introduced a bill to repeal the second section of an act providing for the payment of grand and petit jurors, of date February, 1850; read first time.

Mr. Edwards introduced a joint resolution, requiring the Governor to contract for the translation and publication of

hundred copies of the general laws of the present Legislature, in the German and Spanish languages; read first time.

Mr. Paschal introduced a bill for the relief of William A. A. Wallace; read first time.

ORDERS OF THE DAY.

A bill supplementary to an act to establish the Galveston, Houston and Henderson Railroad Company; being under consideration when the Senate adjourned on yesterday, was taken up.

On motion of Mr. Potter, the second section of the bill was stricken out.

Mr. Taylor offered the following amendment:

Provided, that the balance of the said certificates which may not be located upon said road, shall be located in alternate sections, reserving the even sections to the State, north of 32 deg., 30 min., north latitude, and west of the 98th deg. of west longitude from Greenwich; rejected.

Mr. Scott offered the following amendment, to come in at the end of the first section:

And that said company shall be required to alienate the lands granted to them by this act, in the following manner: One-fourth in six years after the same is patented; and one-fourth in eight years; and one-fourth in ten years, and the remainder in twelve years from the time the same was acquired.

On motion of Mr. Taylor, said amendment was amended by striking out the words, "after the same is patented."

The amendment was then adopted.

Mr. Armstrong offered the following amendment:

And if not alienated in accordance with the provisions of this act, shall be considered forfeited to the State; and which forfeiture shall be declared as such by the Governor; rejected.

On motion of Mr. Potter, the third section was stricken out.

Mr. Armstrong moved to lay the bill on the table; lost.

The bill was ordered to be engrossed.

A bill to establish a system of common schools; read.

On motion of Mr. Paschal, the substitute heretofore offered by Mr. Sublett, for the first section, was taken from the table.

Mr. Potter offered the following amendment to said substitute:

Which three millions of dollars shall remain in the bonds of the United States, now in the treasury of the State, until such bonds shall become due and be paid, which, on motion of Mr. Holland, was laid on the table by the following vote:

YEAS—Messrs. Allen, Burks, Edwards, Hart, Hill, Holland,

Jowers, Keenan, Lott, Martin, McDade, Newman, Paschal, Pedigo, Scott, Sublett and Superviele—17.

NAYS—Messrs. Armstrong, Bryan, Durst, Gage, Guinn, Kyle, Lytle, McAnelly, Millican, Potter, Scarborough, Whitaker and Wren—13.

On motion of Mr. Scott, the substitute was amended by striking out "three" and inserting "two and a-half."

The substitute was then adopted by the following vote:

YEAS—Messrs. Burks, Doane, Edwards, Hart, Holland, Jowers, Keenan, Lott, Lytle, Martin, McDade, Millican, Newman, Paschal, Scott, Sublett, Superviele, Taylor and Whitaker—19.

NAYS—Messrs. Armstrong, Bryan, Durst, Gage, Guinn, Hill, Kyle, McAnelly, Pedigo, Potter, Scarborough and Wren—12.

On motion of Mr. Jowers, the first section was amended by inserting "alone" after the word "interest."

Mr. Taylor offered the following amendment to come in at the end of the first section:

Provided, that no part of the said fund shall be invested at a less amount than five per cent. per annum; adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Jowers, a bill for the relief of James M. Parker was taken from the table and placed among the orders of the day.

A bill to provide for the construction of the Mississippi and Pacific Railroad, with the report of the committee on Internal Improvements, recommending amendments thereto, was read.

The amendments were taken up and acted upon separately.

The 1st, 2d, 3d and 4th were respectively read and adopted.

The 5th amendment, proposing a substitute for the 9th section; read.

Mr. Scott moved to amend the substitute by striking out of the twelfth and thirteenth lines, the words "issue bonds of not less than five hundred, nor more than one thousand dollars;" lost, and the substitute adopted.

The 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th amendments respectively adopted.

The 14th amendment—Provided, said road shall cross the Trinity river on or south of the 32d. parallel of north latitude, being under consideration, Mr. Wren moved to strike out "Trinity" and insert "Brazos;" rejected by the following vote:

YEAS—Messrs. Allen, Burks, Hart, Lott, Paschal, Superviele and Wren—7.

NAYS—Messrs. Armstrong, Bryan, Doane, Durst, Edwards, Gage, Guinn, Hill, Holland, Jowers, Keenan, Kyle, Lytle, Mat-

tin, McAnelly, McDade, Millican, Newman, Pedigo, Potter, Scarborough, Scott, Sublett, Taylor and Whitaker—25.

Mr. Sublett offered the following amendment as a substitute for the 14th amendment :

Provided, said road shall not cross the rivers Trinity, Brazos and Colorado above the thirty-second degree of north latitude ; adopted by the following vote :

YEAS—Messrs. Armstrong, Bryan, Durst, Gage, Guinn, Hill, Holland, Keenan, Kyle, Lytle, McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Potter, Scarborough, Sublett, Superviele, Taylor and Whitaker—22.

NAYS—Messrs. Allen, Burks, Doane, Edwards, Hart, Jowers Lott, Martin, Scott and Wren—10.

Mr. Paschal moved to reconsider the vote adopting said substitute, which, on motion of Mr. Jowers, was laid on the table.

The 15th and 16th amendments, the last offered by the committee, were adopted.

Mr. Gage moved to take up the bill and vote upon it, section by section ; lost.

On motion of Mr. McAnelly, the Senate adjourned until tomorrow morning at 9 o'clock.

SATURDAY, December 3, 1853.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

On motion of Hr. Lott, the Senate adjourned until Monday morning at 9 o'clock.

MONDAY, December 5, 1853.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of Saturday read and adopted.

Mr. Keenan presented the petition of Uriah F. Case, asking for an unconditional certificate for 640 acres of land in the name of John W. Clark ; referred to the committee on Private Land Claims.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a resolution instructing an inquiry into the propriety of organizing a new judicial district, to be composed of the counties of Tarrant, &c., and a like resolution as to the pro-